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TO: EXAMINER: KENDRA D. CARTER**FROM: MICHAEL J. MAZZA**
REG. NO. 30,775**COMPANY: UNITED STATES PATENT OFFICE**
GROUP ART UNIT: 1617**PHONE NUMBER: 650-631-3271****FAX NUMBER: 1-571-273-8300****FAX NUMBER: 650-620-6395****PHONE NUMBER:****DATE: MAY 2, 2007****RE: U.S PATENT APPLICATION NO. 10/751,342; FILED 12/31/2003**
FIRST INVENTOR: JEFFRY G. WEERS, et al.**ENCLOSED:****TRANSMITTAL FORM PTO/SB/21 (1 PAGE)****REPLY TO RESTRICTION REQUIREMENT (2 PAGES)****TOTAL NO. OF PAGES INCLUDING COVER: 4**

☐ URGENT ☒ FOR REVIEW ☒ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

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PTO/SB/21 (04-07)

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FORM

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Total Number of Pages In This Submission

Application Number	10/751,342
Filing Date	December 31, 2003
First Named Inventor	Jeffrey G. WEERS
Art Unit	1617
Examiner Name	Kendra D. CARTER
Attorney Docket Number	0190.00

ENCLOSURES (Check all that apply)

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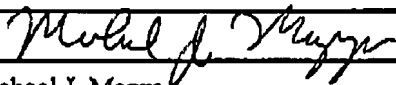
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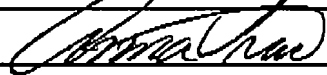
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Printed name	Michael J. Mazza		
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Signature			
Typed or printed name	Anna Tran	Date	MAY 2, 2007

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Signed: 

Anna Tran

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jeffrey G. Weers *et al.*

Examiner: Kendra D. Carter

Serial No.: 10/751,342

Art Unit: 1617

Filed: December 31, 2003

Title: **AEROSOLIZABLE PHARMACEUTICAL FORMULATION FOR FUNGAL INFECTION THERAPY**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Reply to Restriction Requirement is submitted in response to the Office communication mailed on April 10, 2007, which required restriction of the claims in the above-identified application.

A. The Restriction Requirement:

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1-96 as being drawn to a method of treating, classified in 514/886 and/or 514/950; and
- II. Claim 98 as being drawn to a unit dose receptacle, classified in 604/24 and/or 424/45.

B. Response to the Restriction Requirement:

In response, Applicants hereby elect Group I, comprising claims 1-96, *with traverse*.

Traverse is premised on the ground that a combined search of the two Groups does not impose an undue burden on the Examiner. As stated in the Manual of Patent Examining Procedure ("MPEP"),